

AN ORDINANCE

96507

RESCINDING ORDINANCE NO. 58880 AND ORDINANCE NO. 88490; ESTABLISHING NEW POLICIES, PROCEDURES AND FEES RELATED TO THE CLOSURE, VACATION AND ABANDONMENT (COLLECTIVELY “CLOSURE”) OF PUBLIC RIGHT OF WAY; ESTABLISHING A \$500.00 NON-REFUNDABLE PROCESSING FEE FOR THE CLOSURE OF PUBLIC RIGHT OF WAY; AND PROVIDING FOR THE PAYMENT OF A FEE FOR SUCH CLOSURE.

* * * * *

WHEREAS, Ordinance Number 58880, passed on June 14, 1984, established procedures for the closure, vacation, and abandonment of public streets or alleys; and

WHEREAS, Ordinance Number 88490, passed on September 17, 1998, amended Ordinance Number 58880, adopting a \$250.00 processing fee for unimproved streets or alleys and a \$500.00 fee for improved streets or alleys; and

WHEREAS, the City wishes to rescind Ordinance Number 58880 and Number 88490, and establish new policies, procedures, and fees, charged by the City for the closure, vacation and abandonment of Public Right of Way, which are consistent with fee changes in the FY 2202-03 Adopted Budget and similar fees assessed by other municipalities; and

WHEREAS, the Planning Commission considered this request at its regular meeting of September 25, 2002; **NOW THEREFORE**;

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:

SECTION 1. Ordinance Number 58880, passed and approved on June 14, 1984 is hereby rescinded.

SECTION 2. Ordinance Number 88490, passed and approved on September 17, 1998, is hereby rescinded.

SECTION 3. For the purposes of this ordinance, “Public Right of Way” is defined to include, but not be limited to, any public street, traffic easement, road, lane, path, place, alley, sidewalk, median, boulevard, parkway, or drive, including

drainage, whether used by easement or owned in fee by the City, whether improved or unimproved.

SECTION 4. Any person or persons (“Petitioner”), other than a City of San Antonio Department, requesting the closure, vacation, and abandonment of Public Right of Way, must submit to the City, through the proper City Department, a petition, which may appear in letter form, signed by all abutting property owners to said Public Right of Way, stating the purpose of said closure, vacation, and abandonment, and clearly identifying the Public Right of Way which is the subject of the closure, vacation, and abandonment,

SECTION 5. Each petition must clearly indicate in writing the consent of all such abutting property owners, as reflected by their signature on the petition. If the petition indicates that ownership has changed from that shown on the Bexar County Appraisal District records, then the City may require Petitioner to submit additional information.

SECTION 6. A five hundred dollar (\$500.00) non-refundable processing fee is hereby established for the closure, vacation and abandonment of Public Right of Way, the payment of which must be submitted with each petition.

SECTION 7. All interested City departments and utility agencies will be canvassed as to approval or denial of the closure, and upon successful completion of a canvassing, each Petitioner is required to confirm ownership of each abutting property, and submit a certified survey with field notes for each abutting property owner’s portion of the Public Right of Way proposed to be closed.

SECTION 8. City staff shall calculate a fee (“consideration”) for such closure and Petitioner(s) shall remit payment of the consideration for the closure based on an average of Bexar County Appraisal District assessed values of property in the vicinity of the proposed closure. The average of Bexar County Appraisal District assessed values will be reduced by twenty-five percent (25%) when the Public Right of Way sought to be closed cannot be used independently under Chapter 35 of the City Code of the City of San Antonio, Texas ("Unified Development Code") or utility easements are retained.

SECTION 9. Staff may recommend to City Council the reduction or waiver of the consideration for closure if 1) any petitioner originally granted the subject Public Right of Way at no cost, e.g. by dedication through plat or other instrument, to the City; 2) the calculated consideration for closure, as outlined in **SECTION 8**, does not accurately reflect the value of the Public Right of Way proposed to be closed, vacated and abandoned; or 3) the Petitioner(s) propose(s) to make improvements

that would qualify for reduction or waiver of fees in the City's Incentive Toolkit, or its equivalent.

SECTION 10. Staff shall prepare, and Petitioner(s) shall execute, a Letter of Agreement in which petitioner agrees to the consideration for closure and all conditions imposed by City departments and utility agencies.

SECTION 11. Upon the submission of all required documents, consideration for closure, and all related fees, staff shall present the request for consideration at a regular meeting of the Planning Commission and at a subsequent regular City Council meeting, with scheduled public hearings to be held for the closure, vacation, and abandonment of any Public Right of Way.

SECTION 12. Staff shall cause to be placed, at the sole additional expense of Petitioner(s) to be included with the consideration for closure, sign(s) notifying the public of any proposed street or alley closure and the location, dates, and times of the Planning Commission and City Council Public Hearings to be posted at least ten (10) calendar days prior to Planning Commission consideration and such sign(s) shall remain in place until action is taken by City Council.

SECTION 13. Notices in writing shall be sent to all property owners, based on Bexar County Appraisal District records, within a five hundred foot (500') radius of the proposed closure, vacation and abandonment of any Public Right of Way (excluding undeveloped "paper" streets or alleys) before the 14th day prior to Planning Commission consideration.

SECTION 14. Staff shall record in the Official Public Records of Real Property of Bexar County, Texas, at the sole additional expense of the Petitioner to be included with the consideration for closure, the instrument that closes, vacates and abandons the Public Right of Way, including any related deeds, quitclaims and exhibits.

SECTION 15. A single non-refundable \$500.00 Sale of Land Processing Fee established in SECTION 1. of Ordinance No. 96402, passed and approved on September 19, 2002 as part of the Fiscal Year 2002-2003 City of San Antonio Budget Ordinance is one and the same as the \$ 500.00 Processing Fee for closure, vacation and abandonment of Public Right of Way established in **SECTION 6.** above and the latter name set forth in this Ordinance shall apply, to prevent confusion with other City of San Antonio sale of land transactions, for which no processing fee is charged.

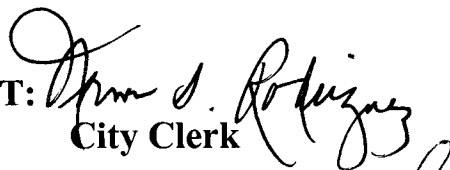
SECTION 16. The above-stated fees shall be deposited in Fund 29-008000 (Special Revenue Reserve Fund) Index Code 040337.


SECTION 17. The financial allocations in this Ordinance are subject to approval by the Director of Finance, City of San Antonio. The Director of Finance may, subject to concurrence by the City Manager or the City Manager's designee, correct allocation to specific Index Codes and Fund Numbers as necessary to carry out the purpose of this Ordinance.

SECTION 18. This ordinance shall be effective on October 13, 2002.

PASSED AND APPROVED this 3rd day of October, 2002.


M A Y O R PRO TEM

ATTEST: 
City Clerk

APPROVED AS TO FORM: 
for City Attorney